

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>11-</u>
v.	:	DATE FILED: <u>July 7, 2011</u>
WAYNE WATERS, SHERITA HARRISON	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy - 1 count)
	:	18 U.S.C. § 1344 (bank fraud - 1 count)
	:	18 U.S.C. § 1028A (aggravated identity theft - 2 counts)
	:	18 U.S.C. § 2 (aiding & abetting)
	:	

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. TD Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation (“FDIC”), certificate number 21140.
2. From on or about August 8, 2009 through on or about November 5, 2010, in the Eastern District of Pennsylvania and the District of New Jersey, defendants

**WAYNE WATERS
and
SHERITA HARRISON**

conspired and agreed, with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute, and attempt to execute, and aid and abet the execution of, a scheme to defraud a bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another

person during and in relation to bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1).

MANNER AND MEANS

3. It was part of the conspiracy that defendants SHERITA HARRISON and WAYNE WATERS and others known and unknown to the grand jury opened bank accounts in their own names, deposited fraudulent checks into the newly-opened accounts, and made withdrawals from those accounts via ATM and check card transactions.

4. It was part of the conspiracy that defendant WAYNE WATERS and others known and unknown to the grand jury used the names, dates of births, addresses, social security numbers, bank account numbers, and other means of identification of customers of banks, including TD Bank, to enrich themselves and defraud these banks by posing as customers of the banks at the teller windows and withdrawing funds from the customers' accounts.

It was further a part of the conspiracy that:

5. At the direction of Co-Conspirator 1, known to the grand jury, defendants SHERITA HARRISON and WAYNE WATERS opened TD Bank accounts in their names and conducted fraudulent transactions against those newly-opened accounts. Defendants HARRISON and WATERS performed some or all of the following:

a. they received, from Co-Conspirator 1, a small amount of money with which to open checking accounts with TD Bank;

b. they received, from Co-Conspirator 1, fraudulent checks which they deposited into that TD Bank account;

c. they, and others unknown to the grand jury, then withdrew money from those TD Bank accounts via ATM withdrawals and check card transactions.

6. At the direction of Co-Conspirator 1, defendant WAYNE WATERS also acted as a “check runner,” posing as various bank customers to make fraudulent withdrawals from the bank accounts of those customers. In that capacity, defendant WATERS:

a. received, from Co-Conspirator 1 and other persons known to the grand jury, personal identifying information for bank customers, including the bank customers’ names, dates of birth, social security numbers, and bank account numbers; and

b. received, in addition to the bank customers’ account information, false photographic identification in the name of each customer.

7. Defendants WAYNE WATERS and SHERITA HARRISON fraudulently obtained, attempted to obtain, and aided and abetted the obtaining of, more than \$56,000 from the depositing of fraudulent checks and making of fraudulent withdrawals.

OVERT ACTS

In furtherance of the conspiracy, defendants WAYNE WATERS and SHERITA HARRISON, who are brother and sister, and others, known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about August 8, 2009, Co-Conspirator 1 recruited defendant SHERITA HARRISON to open a TD Bank account, account number ending in 3339, in her name, with an initial deposit of \$30.00 in cash, at a TD Bank branch located at 1900 Market Street, Philadelphia, Pennsylvania.

2. On or about the following dates, Co-Conspirator 1 provided defendant SHERITA HARRISON and others unknown to the grand jury with fraudulent checks which were deposited into the TD Bank checking account of defendant HARRISON, account number ending in 3339:

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT OF FRAUDULENT DEPOSIT</u>
09/14/09	Philadelphia, PA	\$1,100
10/07/09	Flourtown, PA	\$3,200
10/08/09	Haverford, PA	\$2,800
10/09/09	Flourtown, PA	\$3,800
10/13/09	Philadelphia, PA	\$4,700

3. From on or about September 14, 2009 through on or about October 14, 2009, at the direction of Co-Conspirator 1, defendant SHERITA HARRISON and others unknown to the grand jury made withdrawals from, and debit card transactions against, the TD Bank checking account of defendant HARRISON, account number ending in 3339, totaling approximately \$8,319.

4. On or about November 2, 2009, Co-Conspirator 1 recruited defendant WAYNE WATERS to open a TD Bank account, account number ending in 7596, in his name, with an initial deposit of \$1100.00 in cash, at a TD Bank branch located at 25 Second Street Pike, Southampton, Pennsylvania.

5. On or about the following dates, Co-Conspirator 1 provided others unknown to the grand jury with fraudulent checks which were deposited into the TD Bank checking account of defendant WAYNE WATERS, account number ending in 7596:

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT OF FRAUDULENT DEPOSIT</u>
12/03/09	Flourtown, PA	\$4,300
12/04/09	Haverford, PA	\$4,600
12/12/09	King of Prussia, PA	\$4,500

6. From on or about December 4, 2009 through on or about December 11, 2009, at the direction of Co-Conspirator 1, defendant WAYNE WATERS and others unknown to the grand jury made withdrawals from, and debit card transactions against, the TD Bank checking account of defendant WATERS, account number ending in 7596, totaling approximately \$11,607.

7. On or about June 28, 2010, Co-Conspirator 1 recruited defendant WAYNE WATERS to fraudulently withdraw funds from the bank accounts of customers of TD Bank, using fraudulent identification in the customers' names.

8. On or about the following dates, Co-Conspirator 1 provided defendant WAYNE WATERS with fraudulent identification and fraudulent checks, and, at the direction of Co-Conspirator 1, others unknown to the grand jury drove defendant WAYNE WATERS from Philadelphia, Pennsylvania to TD Bank branches in New Jersey to cash the fraudulent checks and make fraudulent withdrawals against the accounts of TD Bank account holders, using the account numbers of, and fraudulent identification in the names of, the account holders, which had been provided to defendant WATERS by Co-Conspirator 1:

<u>DATE</u>	<u>LOCATION</u>	<u>ACCOUNT HOLDER</u>	<u>AMOUNT OF FRAUDULENT TRANSACTION</u>
06/28/10	Camden, NJ	W.G.	\$4,300
08/14/10	Bellmawr, NJ	W.G.	\$800

<u>DATE</u>	<u>LOCATION</u>	<u>ACCOUNT HOLDER</u>	<u>AMOUNT OF FRAUDULENT TRANSACTION</u>
08/14/10	Cherry Hill, NJ	W.G.	\$1,500
11/01/10	Cinnaminson, NJ	J.D.	\$6,100
11/03/10	Haddon Heights, NJ	J.D.	\$3,200
11/04/10	Cherry Hill, NJ	J.D.	\$5,700
11/05/10	Cherry Hill, NJ	J.D.	\$6,300 attempt

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 7, and Overt Acts 1 through 8 of Count One are incorporated here.

2. From on or about August 8, 2009 through on or about November 5, 2010, in the Eastern District of Pennsylvania and the District of New Jersey, defendants

**WAYNE WATERS
and
SHERITA HARRISON**

knowingly executed and attempted to execute, and aided and abetted the execution of, a scheme to defraud TD Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. Defendants SHERITA HARRISON and WAYNE WATERS opened TD Bank checking accounts, deposited fraudulent checks into those checking accounts, and defendants HARRISON and WATERS and others known and unknown to the grand jury then withdrew money from those accounts via ATM and check card transactions.

4. In furtherance of the scheme, defendant SHERITA HARRISON deposited the following fraudulent checks into a TD Bank account in her name, account number ending in 3339:

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT OF FRAUDULENT DEPOSIT</u>
09/14/09	Philadelphia, PA	\$1,100
10/07/09	Flourtown, PA	\$3,200

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT OF FRAUDULENT DEPOSIT</u>
10/08/09	Haverford, PA	\$2,800
10/09/09	Flourtown, PA	\$3,800
10/13/09	Philadelphia, PA	\$4,700

5. In furtherance of the scheme, from on or about September 14, 2009 through on or about October 14, 2009, defendant SHERITA HARRISON and others unknown to the grand jury made withdrawals from and debit card transactions against, the TD Bank checking account of defendant HARRISON, account number ending in 3339, totaling approximately \$8,319.

6. In furtherance of the scheme, defendant WAYNE WATERS deposited the following fraudulent checks into a TD Bank account in his name, account number ending in 7596:

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT OF FRAUDULENT DEPOSIT</u>
12/03/09	Flourtown, PA	\$4,300
12/04/09	Haverford, PA	\$4,600
12/12/09	King of Prussia, PA	\$4,500

7. From on or about December 4, 2009 through on or about December 11, 2009, at the direction of Co-Conspirator 1, known to the grand jury, defendant WAYNE WATERS and others unknown to the grand jury made withdrawals from, and debit card transactions against, the TD Bank checking account of defendant WATERS, account number ending in 7596, totaling approximately \$11,607.

8. Defendant WAYNE WATERS used stolen account information and false identification documents of W.G. and J.D., account holders of TD Bank, to fraudulently withdraw and attempt to withdraw money from the accounts of these TD Bank account holders, and share the proceeds with others.

9. In furtherance of the scheme, defendant WAYNE WATERS completed the following fraudulent transactions against TD Bank accounts:

<u>DATE</u>	<u>LOCATION</u>	<u>ACCOUNT HOLDER</u>	<u>AMOUNT OF FRAUDULENT TRANSACTION</u>
06/28/10	Camden, NJ	W.G.	\$4,300
08/14/10	Bellmawr, NJ	W.G.	\$800
08/14/10	Cherry Hill, NJ	W.G.	\$1,500
11/01/10	Cinnaminson, NJ	J.D.	\$6,100
11/03/10	Haddon Heights, NJ	J.D.	\$3,200
11/04/10	Cherry Hill, NJ	J.D.	\$5,700
11/05/10	Cherry Hill, NJ	J.D.	\$6,300 attempt

In violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS THREE AND FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about the dates listed below, in the Eastern District of Pennsylvania and the District of New Jersey, defendant

WAYNE WATERS

knowingly and without lawful authority, used, and aided and abetted the possession and use of, a means of identification of another person, that is, the name and personal identifying information of the persons indicated below, each person constituting a separate count, during and in relation to bank fraud:

<u>COUNT</u>	<u>DATE</u>	<u>ACCOUNT HOLDER</u>
3	06/28/10	W.G.
4	11/01/10	J.D.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5)

and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1344, set forth in this information, defendants

**WAYNE WATERS
and
SHERITA HARRISON**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including, but not limited to, the sum of \$38,646.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney